California State Fire Marshal
CODE INTERPRETATION

Date Issued	9/19/07	Interpretation	07-037
Topic	Delegation of Authority		
Code Section(s)	2001 CA Fire Code		
Requested by	Kevin Cittandini, Plans Examiner Town of Atherton 91 Ashfield Rd. Atherton, CA 94027 (650) 752-0560 kcittadini@ci.atherton.ca.us		

I would like to request interpretations regarding the following items listed below. Our Jurisdiction is in the midst of preparing code adoptions for the new building and fire codes and the Town's attorney has raised questions...

1.) 2001 California Fire Code contains Article 9 – Fire Department Access and Water Supply. The Matrix located at the front of the book does not list Article 9. It is assumed that this section is not included within the "California Fire Code." Is this correct?.

Article 9 of the Uniform Fire Code 2000 edition was not adopted by the California State Fire Marshal. If a local jurisdiction wishes to enforce the requirements of Article 9 they would be required to adopt these specific provisions by ordinance.

2.) The Preface, located at the beginning of the 2001 CFC indicates that "This Part is known as the California Fire Code and incorporates by adoption the 2000 edition of the Uniform Fire Code of the Western…" Does this statement mean that the 2001 California Fire Code includes all sections? Specifically that the CFC also includes Article 9?

The State Fire Marshal adopts and amends specific provisions in the 2001 CFC for statewide application. The 2001 CFC contains all provisions of the 2000 UFC

as a statewide minimum for adoption at the local enforcing agency. However, the provisions that are not adopted by the State Fire Marshal may be contained in Title 19 for specific occupancies.

3) Based on the above answers, would a Fire District be required to specifically adopt Article 9 – as an addendum – to the adoption of the 2001 CFC ?

Yes

4) Article 1 – Administration of the 2001 CFC indicates a number of Occupancy Groups that are regulated by the SFM. However, the list does not include R-3 Single Family Dwellings. Does this mean that the requirements found in the 2001 CFC do not apply to Single Family Dwellings?

No, CFC Section 101.2.2.1 Application does include "All hotels, motels, lodging houses, apartment houses and <u>dwellings</u>, including congregate residences and buildings and structures accessory thereto."

5) 2001 CFC Section 101.2.2.2 discusses the delegation of authority, for enforcement of building standards adopted by the State Fire Marshal, relating to fire and panic safety and other regulations of the State Fire Marshal for Group R Division 3 dwellings. Does this mean that a city would specifically have to delegate authority to the Fire District for the plans review of any R-3 structure?

Yes, but only for those provisions that are adopted and or amended by SFM. Provisions that are not adopted by SFM but, however are adopted by a city, county, city and county or fire protection district by ordinance must be determined by the city, county, city and county or fire protection district. The provisions of Health and Safety Code Section 13146 and CFC 101.2.2.2 regarding delegation of authority only determines who enforces the regulations adopted by the SFM.

6) Would the delegation of authority, to the Fire District – for R-3 Occupancies, be required in order to impose any of the requirements of Article 9 of the 2001 CFC?

No, the delegation of authority does not determine whether or not provisions of the CFC apply or not. Adoption of provisions that are not specifically adopted by the SFM (i.e. Article 9) are applicable when adopted by a city, county or city and county in accordance with Health and Safety Code Section 18941.5, or have been adopted by a fire protection district in accordance with Health and Safety Code Section 13869.7. Pursuant to Health and Safety Code Section 13146 or as published in CFC 101.2.2.2 delegation of authority only determines who enforces the regulations adopted by the SFM.